

B1 (Official Form 1)(1/08)

United States Bankruptcy Court

Northern District of West Virginia

Voluntary Petition

Name of Debtor (if individual, enter Last, First, Middle): Augusta Apartments, LLC	Name of Joint Debtor (Spouse) (Last, First, Middle):
All Other Names used by the Debtor in the last 8 years (include married, maiden, and trade names):	All Other Names used by the Joint Debtor in the last 8 years (include married, maiden, and trade names):
Last four digits of Soc. Sec. or Individual-Taxpayer I.D. (ITIN) No./Complete EIN (if more than one, state all) 72-1618039	Last four digits of Soc. Sec. or Individual-Taxpayer I.D. (ITIN) No./Complete EIN (if more than one, state all)
Street Address of Debtor (No. and Street, City, and State): 49 Falling Run Road Morgantown, WV ZIP Code 26505	Street Address of Joint Debtor (No. and Street, City, and State): ZIP Code
County of Residence or of the Principal Place of Business: Monongalia	County of Residence or of the Principal Place of Business:
Mailing Address of Debtor (if different from street address): Suite 7000 2567 University Avenue Morgantown, WV ZIP Code 26505	Mailing Address of Joint Debtor (if different from street address): ZIP Code

Location of Principal Assets of Business Debtor (if different from street address above):

Type of Debtor (Form of Organization) (Check one box) <input type="checkbox"/> Individual (includes Joint Debtors) <i>See Exhibit D on page 2 of this form.</i> <input checked="" type="checkbox"/> Corporation (includes LLC and LLP) <input type="checkbox"/> Partnership <input type="checkbox"/> Other (If debtor is not one of the above entities, check this box and state type of entity below.)	Nature of Business (Check one box) <input type="checkbox"/> Health Care Business <input type="checkbox"/> Single Asset Real Estate as defined in 11 U.S.C. § 101 (51B) <input type="checkbox"/> Railroad <input type="checkbox"/> Stockbroker <input type="checkbox"/> Commodity Broker <input type="checkbox"/> Clearing Bank <input checked="" type="checkbox"/> Other Tax-Exempt Entity (Check box, if applicable) <input type="checkbox"/> Debtor is a tax-exempt organization under Title 26 of the United States Code (the Internal Revenue Code).	Chapter of Bankruptcy Code Under Which the Petition is Filed (Check one box) <input type="checkbox"/> Chapter 7 <input type="checkbox"/> Chapter 9 <input checked="" type="checkbox"/> Chapter 11 <input type="checkbox"/> Chapter 12 <input type="checkbox"/> Chapter 13 <input type="checkbox"/> Chapter 15 Petition for Recognition of a Foreign Main Proceeding <input type="checkbox"/> Chapter 15 Petition for Recognition of a Foreign Nonmain Proceeding
		Nature of Debts (Check one box) <input type="checkbox"/> Debts are primarily consumer debts, defined in 11 U.S.C. § 101(8) as "incurred by an individual primarily for a personal, family, or household purpose." <input checked="" type="checkbox"/> Debts are primarily business debts.

Filing Fee (Check one box) <input checked="" type="checkbox"/> Full Filing Fee attached <input type="checkbox"/> Filing Fee to be paid in installments (applicable to individuals only). Must attach signed application for the court's consideration certifying that the debtor is unable to pay fee except in installments. Rule 1006(b). See Official Form 3A. <input type="checkbox"/> Filing Fee waiver requested (applicable to chapter 7 individuals only). Must attach signed application for the court's consideration. See Official Form 3B.	Chapter 11 Debtors Check one box: <input type="checkbox"/> Debtor is a small business debtor as defined in 11 U.S.C. § 101(51D). <input checked="" type="checkbox"/> Debtor is not a small business debtor as defined in 11 U.S.C. § 101(51D). Check if: <input type="checkbox"/> Debtor's aggregate noncontingent liquidated debts (excluding debts owed to insiders or affiliates) are less than \$2,190,000. Check all applicable boxes: <input type="checkbox"/> A plan is being filed with this petition. <input type="checkbox"/> Acceptances of the plan were solicited prepetition from one or more classes of creditors, in accordance with 11 U.S.C. § 1126(b).
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Statistical/Administrative Information <input checked="" type="checkbox"/> Debtor estimates that funds will be available for distribution to unsecured creditors. <input type="checkbox"/> Debtor estimates that, after any exempt property is excluded and administrative expenses paid, there will be no funds available for distribution to unsecured creditors.	THIS SPACE IS FOR COURT USE ONLY
Estimated Number of Creditors <input checked="" type="checkbox"/> 1-49 <input type="checkbox"/> 50-99 <input type="checkbox"/> 100-199 <input type="checkbox"/> 200-999 <input type="checkbox"/> 1,000-5,000 <input type="checkbox"/> 5,001-10,000 <input type="checkbox"/> 10,001-25,000 <input type="checkbox"/> 25,001-50,000 <input type="checkbox"/> 50,001-100,000 <input type="checkbox"/> OVER 100,000	
Estimated Assets <input type="checkbox"/> \$0 to \$50,000 <input type="checkbox"/> \$50,001 to \$100,000 <input type="checkbox"/> \$100,001 to \$500,000 <input type="checkbox"/> \$500,001 to \$1 million <input type="checkbox"/> \$1,000,001 to \$5 million <input checked="" type="checkbox"/> \$5,000,001 to \$10 million <input type="checkbox"/> \$10,000,001 to \$50 million <input type="checkbox"/> \$50,000,001 to \$100 million <input type="checkbox"/> \$100,000,001 to \$500 million <input type="checkbox"/> \$500,000,001 to \$1 billion <input type="checkbox"/> More than \$1 billion	
Estimated Liabilities <input type="checkbox"/> \$0 to \$50,000 <input type="checkbox"/> \$50,001 to \$100,000 <input type="checkbox"/> \$100,001 to \$500,000 <input type="checkbox"/> \$500,001 to \$1 million <input type="checkbox"/> \$1,000,001 to \$5 million <input type="checkbox"/> \$5,000,001 to \$10 million <input type="checkbox"/> \$10,000,001 to \$50 million <input type="checkbox"/> \$50,000,001 to \$100 million <input type="checkbox"/> \$100,000,001 to \$500 million <input type="checkbox"/> \$500,000,001 to \$1 billion <input type="checkbox"/> More than \$1 billion	

Case 1:10-bk-00303 Doc 1 Filed 02/19/10 Entered 02/19/10 10:51:10 Desc Main Document Page 1 of 2

Voluntary Petition*(This page must be completed and filed in every case)*Name of Debtor(s):
Augusta Apartments, LLC**All Prior Bankruptcy Cases Filed Within Last 8 Years** (If more than two, attach additional sheet)

Location Where Filed: - None -	Case Number:	Date Filed:
Location Where Filed:	Case Number:	Date Filed:

Pending Bankruptcy Case Filed by any Spouse, Partner, or Affiliate of this Debtor (If more than one, attach additional sheet)

Name of Debtor: McCoy 6 Apartments, LLC	Case Number: 09-00304	Date Filed: 2/19/09
District: Northern District of West Virginia	Relationship: Affiliate	Judge: Flatley

Exhibit A

(To be completed if debtor is required to file periodic reports (e.g., forms 10K and 10Q) with the Securities and Exchange Commission pursuant to Section 13 or 15(d) of the Securities Exchange Act of 1934 and is requesting relief under chapter 11.)

☐ Exhibit A is attached and made a part of this petition.

Exhibit B

(To be completed if debtor is an individual whose debts are primarily consumer debts.)

I, the attorney for the petitioner named in the foregoing petition, declare that I have informed the petitioner that [he or she] may proceed under chapter 7, 11, 12, or 13 of title 11, United States Code, and have explained the relief available under each such chapter. I further certify that I delivered to the debtor the notice required by 11 U.S.C. §342(b).

X

Signature of Attorney for Debtor(s) (Date)

Exhibit C

Does the debtor own or have possession of any property that poses or is alleged to pose a threat of imminent and identifiable harm to public health or safety?

- ☐ Yes, and Exhibit C is attached and made a part of this petition.
☒ No.

Exhibit D

(To be completed by every individual debtor. If a joint petition is filed, each spouse must complete and attach a separate Exhibit D.)

- ☐ Exhibit D completed and signed by the debtor is attached and made a part of this petition.

If this is a joint petition:

- ☐ Exhibit D also completed and signed by the joint debtor is attached and made a part of this petition.

Information Regarding the Debtor - Venue

(Check any applicable box)

- ☒ Debtor has been domiciled or has had a residence, principal place of business, or principal assets in this District for 180 days immediately preceding the date of this petition or for a longer part of such 180 days than in any other District.
- ☐ There is a bankruptcy case concerning debtor's affiliate, general partner, or partnership pending in this District.
- ☐ Debtor is a debtor in a foreign proceeding and has its principal place of business or principal assets in the United States in this District, or has no principal place of business or assets in the United States but is a defendant in an action or proceeding [in a federal or state court] in this District, or the interests of the parties will be served in regard to the relief sought in this District.

Certification by a Debtor Who Resides as a Tenant of Residential Property

(Check all applicable boxes)

- ☐ Landlord has a judgment against the debtor for possession of debtor's residence. (If box checked, complete the following.)

(Name of landlord that obtained judgment)

(Address of landlord)

- ☐ Debtor claims that under applicable nonbankruptcy law, there are circumstances under which the debtor would be permitted to cure the entire monetary default that gave rise to the judgment for possession, after the judgment for possession was entered, and
- ☐ Debtor has included in this petition the deposit with the court of any rent that would become due during the 30-day period after the filing of the petition.
- ☐ Debtor certifies that he/she has served the Landlord with this certification. (11 U.S.C. § 362(l)).

Voluntary Petition*(This page must be completed and filed in every case)*

Name of Debtor(s):

Augusta Apartments, LLC**Signatures****Signature(s) of Debtor(s) (Individual/Joint)**

I declare under penalty of perjury that the information provided in this petition is true and correct.
 [If petitioner is an individual whose debts are primarily consumer debts and has chosen to file under chapter 7] I am aware that I may proceed under chapter 7, 11, 12, or 13 of title 11, United States Code, understand the relief available under each such chapter, and choose to proceed under chapter 7.
 [If no attorney represents me and no bankruptcy petition preparer signs the petition] I have obtained and read the notice required by 11 U.S.C. §342(b).

I request relief in accordance with the chapter of title 11, United States Code, specified in this petition.

X _____
 Signature of Debtor

X _____
 Signature of Joint Debtor

 Telephone Number (If not represented by attorney)

 Date

Signature of Attorney*

X /s/ Robert O Lampl
 Signature of Attorney for Debtor(s)

Robert O Lampl 19809
 Printed Name of Attorney for Debtor(s)

Robert O Lampl, Attorney at Law
 Firm Name

960 Penn Avenue, Suite 1200
Pittsburgh, PA 15222

 Address

412-392-0330 Fax: 412-392-0335
 Telephone Number

February 19, 2010
 Date

*In a case in which § 707(b)(4)(D) applies, this signature also constitutes a certification that the attorney has no knowledge after an inquiry that the information in the schedules is incorrect.

Signature of Debtor (Corporation/Partnership)

I declare under penalty of perjury that the information provided in this petition is true and correct, and that I have been authorized to file this petition on behalf of the debtor.

The debtor requests relief in accordance with the chapter of title 11, United States Code, specified in this petition.

X /s/ Kristian E. Warner
 Signature of Authorized Individual

Kristian E. Warner
 Printed Name of Authorized Individual

Managing Member
 Title of Authorized Individual

February 19, 2010
 Date

Signature of a Foreign Representative

I declare under penalty of perjury that the information provided in this petition is true and correct, that I am the foreign representative of a debtor in a foreign proceeding, and that I am authorized to file this petition.

(Check only one box.)

☐ I request relief in accordance with chapter 15 of title 11, United States Code. Certified copies of the documents required by 11 U.S.C. §1515 are attached.

☐ Pursuant to 11 U.S.C. §1511, I request relief in accordance with the chapter of title 11 specified in this petition. A certified copy of the order granting recognition of the foreign main proceeding is attached.

X _____
 Signature of Foreign Representative

 Printed Name of Foreign Representative

 Date

Signature of Non-Attorney Bankruptcy Petition Preparer

I declare under penalty of perjury that: (1) I am a bankruptcy petition preparer as defined in 11 U.S.C. § 110; (2) I prepared this document for compensation and have provided the debtor with a copy of this document and the notices and information required under 11 U.S.C. §§ 110(b), 110(h), and 342(b); and, (3) if rules or guidelines have been promulgated pursuant to 11 U.S.C. § 110(h) setting a maximum fee for services chargeable by bankruptcy petition preparers, I have given the debtor notice of the maximum amount before preparing any document for filing for a debtor or accepting any fee from the debtor, as required in that section. Official Form 19 is attached.

 Printed Name and title, if any, of Bankruptcy Petition Preparer

Social-Security number (If the bankruptcy petition preparer is not an individual, state the Social Security number of the officer, principal, responsible person or partner of the bankruptcy petition preparer.) (Required by 11 U.S.C. § 110.)

 Address

X _____

 Date

Signature of Bankruptcy Petition Preparer or officer, principal, responsible person, or partner whose Social Security number is provided above.

Names and Social-Security numbers of all other individuals who prepared or assisted in preparing this document unless the bankruptcy petition preparer is not an individual:

If more than one person prepared this document, attach additional sheets conforming to the appropriate official form for each person.

A bankruptcy petition preparer's failure to comply with the provisions of title 11 and the Federal Rules of Bankruptcy Procedure may result in fines or imprisonment or both 11 U.S.C. §110; 18 U.S.C. §156.

**United States Bankruptcy Court
Northern District of West Virginia**

In re Augusta Apartments, LLC

Debtor(s)

Case No.
Chapter

11

VERIFICATION OF CREDITOR MATRIX

I, the Managing Member of the corporation named as the debtor in this case, hereby verify that the attached list of creditors is true and correct to the best of my knowledge.

Date: February 19, 2010

/s/ Kristian E. Warner

Kristian E. Warner/Managing Member
Signer/Title

United States Bankruptcy Court
Northern District of West Virginia

In re Augusta Apartments, LLC

Debtor(s)

Case No.

Chapter

11

LIST OF CREDITORS HOLDING 20 LARGEST UNSECURED CLAIMS

Following is the list of the debtor's creditors holding the 20 largest unsecured claims. The list is prepared in accordance with Fed. R. Bankr. P. 1007(d) for filing in this chapter 11 [or chapter 9] case. The list does not include (1) persons who come within the definition of "insider" set forth in 11 U.S.C. § 101, or (2) secured creditors unless the value of the collateral is such that the unsecured deficiency places the creditor among the holders of the 20 largest unsecured claims. If a minor child is one of the creditors holding the 20 largest unsecured claims, state the child's initials and the name and address of the child's parent or guardian, such as "A.B., a minor child, by John Doe, guardian." Do not disclose the child's name. See 11 U.S.C. § 112; Fed. R. Bankr. P. 1007(m).

(1) <i>Name of creditor and complete mailing address including zip code</i>	(2) <i>Name, telephone number and complete mailing address, including zip code, of employee, agent, or department of creditor familiar with claim who may be contacted</i>	(3) <i>Nature of claim (trade debt, bank loan, government contract, etc.)</i>	(4) <i>Indicate if claim is contingent, unliquidated, disputed, or subject to setoff</i>	(5) <i>Amount of claim [if secured, also state value of security]</i>
Allegheny Power 800 Cabin Hill Drive Greensburg, PA 15606-0001	Allegheny Power 800 Cabin Hill Drive Greensburg, PA 15606-0001			40,148.53
Allied Waste Services PO Box 9001099 Louisville, KY 40290	Allied Waste Services PO Box 9001099 Louisville, KY 40290			6,992.54
Badger and Sal 430 Spruce Street Morgantown, WV 26505	Badger and Sal 430 Spruce Street Morgantown, WV 26505			5,610.25
Bowles Rice McDavid Graff & Love P.O. Box 1386 Charleston, WV 25325	Bowles Rice McDavid Graff & Love P.O. Box 1386 Charleston, WV 25325			30,000.00
City of Morgantown 389 Spruce Street Morgantown, WV 26505	City of Morgantown 389 Spruce Street Morgantown, WV 26505			21,272.38
Comcast P.O. Box 3001 Southeastern, PA 19398-3001	Comcast P.O. Box 3001 Southeastern, PA 19398-3001			15,139.22
CTL Engineering 733 Fairmont Road Morgantown, WV 26501	CTL Engineering 733 Fairmont Road Morgantown, WV 26501			3,661.00
First United Bank & Trust P.O. Box 9 Oakland, MD 21550-1517	First United Bank & Trust P.O. Box 9 Oakland, MD 21550-1517			4,000,000.00
Landau 9855 Rinaman Road Wexford, PA 15090	Landau 9855 Rinaman Road Wexford, PA 15090			2,000,000.00
Maid for Today 323 Rolling Hills Village Morgantown, WV 26508	Maid for Today 323 Rolling Hills Village Morgantown, WV 26508			1,472.18
Morgantown Area Chamber of Commerce P.O. Box 658 Morgantown, WV 26507-0658	Morgantown Area Chamber of Commerce P.O. Box 658 Morgantown, WV 26507-0658			700.00

Debtor(s)

LIST OF CREDITORS HOLDING 20 LARGEST UNSECURED CLAIMS
(Continuation Sheet)

(1) <i>Name of creditor and complete mailing address including zip code</i>	(2) <i>Name, telephone number and complete mailing address, including zip code, of employee, agent, or department of creditor familiar with claim who may be contacted</i>	(3) <i>Nature of claim (trade debt, bank loan, government contract, etc.)</i>	(4) <i>Indicate if claim is contingent, unliquidated, disputed, or subject to setoff</i>	(5) <i>Amount of claim [if secured, also state value of security]</i>
Nichole Taylor 221 Brown Street Brownsville, PA 15417	Nichole Taylor 221 Brown Street Brownsville, PA 15417			575.00
OTIS P.O. Box 905454 Charlotte, NC 28290	OTIS P.O. Box 905454 Charlotte, NC 28290			19,189.32
PNC Bank Successor to National City Bank c/o Kimberly Luff Wakim Thorp Reed & Armstrong, LLC Pittsburgh, PA 15219-1425	PNC Bank Successor to National City Bank c/o Kimberly Luff Wakim Pittsburgh, PA 15219-1425			21,600,000.00
Rental Guide Magazine 309 John Street Clarksburg, WV 26301	Rental Guide Magazine 309 John Street Clarksburg, WV 26301			4,560.00
Secure US, Inc. P.O. Box 424 Morgantown, WV 26507	Secure US, Inc. P.O. Box 424 Morgantown, WV 26507			887.90
Sheriff of Monongalia County 243 High Street Big Creek, WV 25505-5492	Sheriff of Monongalia County 243 High Street Big Creek, WV 25505-5492			312,418.57
Spilman Thomas & Battle 300 Kanawha Boulevard, East Charleston, WV 25321	Spilman Thomas & Battle 300 Kanawha Boulevard, East Charleston, WV 25321			28,403.20
Tucker & Arensberg Attorneys 1500 One PPG Place Pittsburgh, PA 15222	Tucker & Arensberg Attorneys 1500 One PPG Place Pittsburgh, PA 15222			7,500.00
WesBanco Bank Inc. 5680 N. Hamilton Road Columbus, OH 43230	WesBanco Bank Inc. 5680 N. Hamilton Road Columbus, OH 43230			40,930.38

**DECLARATION UNDER PENALTY OF PERJURY
ON BEHALF OF A CORPORATION OR PARTNERSHIP**

I, the Managing Member of the corporation named as the debtor in this case, declare under penalty of perjury that I have read the foregoing list and that it is true and correct to the best of my information and belief.

Date February 19, 2010Signature /s/ Kristian E. WarnerKristian E. WarnerManaging Member

Penalty for making a false statement or concealing property: Fine of up to \$500,000 or imprisonment for up to 5 years or both.
18 U.S.C. §§ 152 and 3571.

Augusta Apartments, LLC
Suite 7000
2567 University Avenue
Morgantown, WV 26505

Robert O Lampl
Robert O Lampl, Attorney at Law
960 Penn Avenue, Suite 1200
Pittsburgh, PA 15222

Allegheny Power
800 Cabin Hill Drive
Greensburg, PA 15606-0001

Allied Waste Services
PO Box 9001099
Louisville, KY 40290

Badger and Sal
430 Spruce Street
Morgantown, WV 26505

Bowles Rice McDavid Graff & Love
P.O. Box 1386
Charleston, WV 25325

City of Morgantown
389 Spruce Street
Morgantown, WV 26505

Comcast
P.O. Box 3001
Southeastern, PA 19398-3001

CTL Engineering
733 Fairmont Road
Morgantown, WV 26501

First United Bank & Trust
P.O. Box 9
Oakland, MD 21550-1517

Landau
9855 Rinaman Road
Wexford, PA 15090

Maid for Today
323 Rolling Hills Village
Morgantown, WV 26508

Maintenance USA
P.O. Box 2317
Jacksonville, FL 32203-2317

Morgantown Area Chamber of Commerce
P.O. Box 658
Morgantown, WV 26507-0658

Morgantown Printing and Binding
915 Greenbag Road
Morgantown, WV 26508

Morgantown Septic Tank Service
P.O. Box 351
Granville, WV 26534

Mountaineer ChemDry
823 Bethel Road
Morgantown, WV 26501

Nichole Taylor
221 Brown Street
Brownsville, PA 15417

OTIS
P.O. Box 905454
Charlotte, NC 28290

PNC Bank
Successor to National City Bank
c/o Kimberly Luff Wakim
Thorp Reed & Armstrong, LLC
Pittsburgh, PA 15219-1425

Rental Guide Magazine
309 John Street
Clarksburg, WV 26301

Secure US, Inc.
P.O. Box 424
Morgantown, WV 26507

Sheriff of Monongalia County
243 High Street
Big Creek, WV 25505-5492

Spilman Thomas & Battle
300 Kanawha Boulevard, East
Charleston, WV 25321

Tucker & Arensberg Attorneys
1500 One PPG Place
Pittsburgh, PA 15222

WesBanco Bank Inc.
5680 N. Hamilton Road
Columbus, OH 43230

West Virginia DEP
Division of Water and Waste Water
P.O. bBox 364
Charleston, WV 25322